

Appendix A – Documents Cited in Tarbutton Affirmation

| Source¹ | Exhibit | Previous Use | Cited in Other Affidavits, Declarations, or Filings | Reasons Inadmissible and/or Immaterial² |
|--|----------------|--|--|---|
| Affirmation of Senator Joseph Robert “Bob” Kerrey, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”), dated February 24, 2012 (ECF No. 2927- 4) | Exhibit 1 | Affirm. of Sean P. Carter, Ex. 4 (ECF No. 2927); Aver. Ex. 24 (ECF No. 2930) | | Hearsay, FRE 602 |
| Affirmation of Secretary John F. Lehman, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”), dated February 3, 2015 (ECF No. 2927-3) | Exhibit 2 | Affirm. of Sean P. Carter, Ex. 3 (ECF No. 2927) | | Hearsay, FRE 602 |
| Declaration of Richard Ben-Veniste, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”), dated October 12, 2017 | Exhibit 3 | | Kreindler Ex. 254 | Hearsay, FRE 602 |
| April 19, 2016 article appearing in Real Clear Politics, <i>Declassify the Secret 28 Pages</i> , authored by Timothy John “Tim” Roehmer, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”) | Exhibit 4 | | | Hearsay, FRE 602, Preliminary investigative material |
| Transcript from <i>Anderson Cooper 360 Degrees</i> , televised by CNN on February 4, 2015 | Exhibit 5 | | | Hearsay, FRE 602 |

¹ Document descriptions, other than bracketed text indicating commonly-used short-form descriptors, are taken directly from the Affirmation. Their use is for convenience only and should not be taken as a concession that the descriptions are accurate.

² Defendant’s objections to the cited documents are made for purposes of the pending motion to dismiss. Defendant reserves the right to move to exclude, or to assert additional objections, in the event that any party seeks to admit any of the cited documents into evidence in any future proceeding.

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| Source | Exhibit | Previous Use | Cited in Other Affidavits, Declarations, or Filings | Reasons Inadmissible and/or Immaterial |
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| Affidavit of Michael T. Rochford, dated November 7, 2017 | Exhibit 6 | | | Hearsay, FRE 602, Preliminary investigative material |
| Affidavit of David Mitchell, dated November 7, 2017 | Exhibit 7 | | | Hearsay, FRE 602, Preliminary investigative material |
| Affirmation of Senator Daniel Robert “Bob” Graham, Co-Chair of the Joint Congressional Inquiry into the Terrorist Attacks of September 11, 2001, dated November 6, 2017 | Exhibit 8 | | | Hearsay, FRE 602, Preliminary investigative material |
| Affirmation of Evan Francois Kohlmann, dated November 9, 2017 | Exhibit 9 | | | Hearsay, FRE 602, Preliminary investigative material |
| FBI Report, <i>Updates and Initiatives (as of 5 October 2012)</i> [“Florida Bulldog Memorandum”] | Exhibit 10 | | Consol. Am. Compl., Appx. 3 (ECF No. 3463-4); Kreindler Ex. 2 | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| Center for Religious Freedom of Freedom House and Institute for Gulf Affairs, <i>Saudi Arabia’s Curriculum of Intolerance With Excerpts from Saudi Ministry of Education Textbooks for Islamic Studies</i> , 2006 | Exhibit 11 | | | Hearsay, FRE 602 |
| Part Four, Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (the “28 Pages”) | Exhibit 12 | | Consol. Am. Compl., Appx. 2 (ECF Nos. 3463-2-3); Kreindler Ex. 13 | Hearsay, FRE 602, Preliminary investigative material |
| U.S. State Department Diplomatic Cable, <i>Bosnia: Algerian Case Continues to Draw Attention; Update on Outstanding Cases</i> , February 2002 | Exhibit 13 | | | Hearsay, FRE 602, Preliminary investigative material |

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| U.S. State Department Diplomatic Cable, <i>Terrorism Finance: Regulation of Charities</i> , May 2002 | Exhibit 14 | | | Hearsay, FRE 602, Preliminary investigative material |
| U.S. State Department Diplomatic Cable, <i>Bosnia Counter-Terrorism Update</i> , July 2002 | Exhibit 15 | | | Hearsay, FRE 602, Preliminary investigative material |
| U.S. State Department Diplomatic Cable, <i>Terrorist Finance: Bosnia's Dirty Dozen</i> , November 2002 | Exhibit 16 | Aver. Ex. 229 (ECF No. 2930) | Kreindler Ex. 243 | Hearsay, FRE 602, Preliminary investigative material |
| U.S. State Department Diplomatic Cable, <i>Terrorist Finance: Al-Haramayn and Global Relief Face Criminal Charges</i> , November 2002 | Exhibit 17 | | | Hearsay, FRE 602, Preliminary investigative material |
| U.S. State Department Diplomatic Cable, <i>Terrorist Finance: Dirty Dozen's Web of Deceit</i> , August 2003 | Exhibit 18 | | | Hearsay, FRE 602, Preliminary investigative material |
| Letter from Alawi Mohammed Saeed Kamel (Chairman, Dallah Avco) to H.E. Eng. Mohamed Ahmed Ai-Salmi (General Manager of Airway Engineering, Presidency of Civil Aviation), 18/12/1419 A.H. (corresponding to April 4, 1999) (DA001101-1102) | Exhibit 19 | | | Hearsay |
| Letter from Engineer Muhammad Ahmad Al Salemi (General Manager of Airways Engineering) to His Excellency/Chairman of the Board of Directors of the Dallah Group, 20/12/1419G (corresponding to April 6, 1999) (DA001104) | Exhibit 20 | | | |

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| Letter from Alawi Mohammed Saeed Kamel (Chairman, Dallah Avco) to H.H./President of Civil Aviation, 21/12/1419 A.H. (corresponding to April 7, 1999) (DA001110) | Exhibit 21 | | | Hearsay |
| Letter from Dr. Ali Bin Abdul-Rahman Al-Khalaf (President of the Civil Aviation) to H.H. Assistant Minister of Defense and Aviation and Inspector General for Civil Aviation Affairs, 1/1/1420 A.H. (corresponding to April 17, 1999) (DA001357) | Exhibit 22 | | | |
| 9/11 Commission Memorandum for the Record, Interview of Omar al Bayoumi, October 16-18, 2003 | Exhibit 23 | Aver. Ex. 30 (ECF No. 2930) | Kreindler Ex. 6 | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum for the Record, Interview of Fahad al Thumairy, February 23-25, 2004 | Exhibit 24 | Aver. Ex. 31 (ECF No. 2930) | Kreindler Ex. 3 | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum for the Record, Interview of Caysan bin Don, April 20, 2004 | Exhibit 25 | Aver. Ex. 32 (ECF No. 2930) | | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum for the Record, Interview of FBI Special Agent [Name Redacted], November 17, 2003 | Exhibit 26 | Aver. Ex. 33 (ECF No. 2930) | Kreindler Ex. 12 | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum for the Record, Interview of Osama Basnan, October 21-22, 2003 | Exhibit 27 | Aver. Ex. 34 (ECF No. 2930) | | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum for the Record, Interview of Khalil A. Khalil, February 24, 2004 | Exhibit 28 | | Kreindler Ex. 4 | Hearsay, FRE 602, Preliminary investigative material |

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| 9/11 Commission Memorandum for the Record, Interview of Mohammad Al-Qudhaieen, October 26, 2003 | Exhibit 29 | | | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum for the Record, Interview of Hamdan Bin Gharib Al-Shalawi, October 23, 2003 | Exhibit 30 | | Kreindler Ex. 22 | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum for the Record, Interview of Muhammad Jabber Hassan Fakihi, October 21, 2003 | Exhibit 31 | Aver. Ex. 74 (ECF No. 2930) | | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum, Meeting with Members of Majlis Ash Shura, October 14, 2003 | Exhibit 32 | | | Hearsay, FRE 602, Preliminary investigative material |
| 9/11 Commission Memorandum, Summary of Interviews Conducted in Saudi Arabia, February 25, 2004 | Exhibit 33 | | | Hearsay, FRE 602, Preliminary investigative material |
| U.S. Department of Defense, Joint Task Force Guantanamo Detainee Assessment for Ghassan Abdallah Ghazi al-Shirbi (a/k/a Abdulah al-Sharbi), October 15, 2004 | Exhibit 34 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Fahad Althumairy (NON-USPER), IT-OTHER (UBL/AL-QAEDA)</i> , September 4, 2002 | Exhibit 35 | Aver. Ex. 35 (ECF No. 2930) | Kreindler Ex. 5 | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Fahad Althumairy (NON-USPER), IT-OTHER (UBL/AL-QAEDA)</i> , October 25, 2002 | Exhibit 36 | | Kreindler Ex. 19 | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Omar Al Bayoumi, Employed By Dallah Al Baraka</i> , April 15, 2002 | Exhibit 37 | Aver. Ex. 36 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |

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| FBI Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i> (Version #1) | Exhibit 38 | Aver. Ex. 37 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i> (Version #2) | Exhibit 39 | Aver. Ex. 38 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i> (Version #3) | Exhibit 40 | Aver. Ex. 39 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i> (Version #4), FBI Document Compiled by the JICI Task Force, ASAC Robert Blecksmith (October 9, 2002) | Exhibit 41 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>PENTTBOMB; Major Case 182</i> , October 3, 2001 (Version #1) | Exhibit 42 | Aver. Ex. 49 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>PENTTBOMB; Major Case 182</i> , October 3, 2001 (Version #2) | Exhibit 43 | Aver. Ex. 50 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>PENTTBOMB; Major Case 182</i> , October 3, 2001 (Version #3) | Exhibit 44 | Aver. Ex. 51 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement concerning Omar al Bayoumi, September 22, 2001 | Exhibit 45 | Aver. Ex. 52 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |

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| FBI Report, <i>PENTTBOMB</i> , April 11, 2002 | Exhibit 46 | Aver. Ex. 63 (ECF No. 2930) | Kreindler Ex. 11 | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Mihdar Mohammad Al-Mihdar Zaid, A.K.A. Mohdar Mohamed Abdullah; IT-UBL/Al QAIDA</i> , May 17, 2004. | Exhibit 47 | Aver. Ex. 46 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Mihdar Mohammad Al-Mihdar Zaid, A.K.A. Mohdar Mohamed Abdullah; IT-UBL/Al QAIDA</i> , May 18, 2004 | Exhibit 48 | Aver. Ex. 47 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement concerning Omar al Bayoumi and Mohdar Abdullah, January 15, 2002 and January 11, 2001 | Exhibit 49 | Aver. Ex. 45 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>PENTTBOMB; Major Case 182</i> , August 6, 2002 | Exhibit 50 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>[Redacted] UBL – Al QAEDA</i> , August 6, 2002 | Exhibit 51 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>PENTTBOMB; Major Case 182</i> , June 3, 2002 | Exhibit 52 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement concerning Qualid Benomrane, March 7, 2002 | Exhibit 53 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Ziyat Kharfan, a.k.a. Ziad Mohamad Karfan; IT-UBL</i> , January 8, 2002 | Exhibit 54 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |

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| FBI Report, <i>Ali Ahmad Mesdaq; International Terrorism-Usama Bin Laden</i> , January 28, 2002 | Exhibit 55 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement, January 15, 2002 (Version #1) | Exhibit 56 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement, January 15, 2002 (Version #2) | Exhibit 57 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement, January 15, 2002 (Version #3) | Exhibit 58 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement of Caysan Bin Don, October 8, 2001 | Exhibit 59 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement concerning Mohdar Mohamed Abdullah, September 22, 2001 | Exhibit 60 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>PENTTBOMB; Major Case 182</i> , September 16, 2001 | Exhibit 61 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Twin Towers Bombings</i> , September 12, 2001 | Exhibit 62 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Biographical Information on the 19 Suspected Hijackers</i> , September 29, 2001 | Exhibit 63 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |

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| FBI Report, <i>Hamdan Ghareeb Al-Shalawi; IT-UBL/AL QAEDA</i> , October 16, 2003 | Exhibit 64 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Interview of Omar Ahmed Mustafa Al-Bayoumi</i> , September 17, 2003 (Version #1) | Exhibit 65 | | Kreindler Ex. 9 | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Interview of Omar Ahmed Mustafa Al-Bayoumi</i> , September 17, 2003 (Version #2) | Exhibit 66 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement concerning Omar Ahmed Mustafa Al-Bayoumi, August 18, 2003 | Exhibit 67 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Hijackers Timeline</i> , November 14, 2003 | Exhibit 68 | | Kreindler Ex. 221 | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| Substitution for the Testimony of Khalid Sheikh Mohammed, Defendant's Trial Exhibit #941, <i>United States v. Moussaoui</i> , No. 01-455-A (E.D. Va. 2006) | Exhibit 69 | | | Hearsay, FRE 602, Preliminary investigative material |
| Prosecution Trial Exhibit #AQ01677T, <i>United States v. Moussaoui</i> , No. 01-455-A (E.D. Va. 2006) | Exhibit 70 | | | Hearsay, FRE 602, FRE 901 |
| FBI Report, <i>Anwar Nasser Aulaqi</i> , September 26, 2001 (Version #1) | Exhibit 71 | Aver. Ex. 54 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Anwar Nasser Aulaqi</i> , September 26, 2001 (Version #2) | Exhibit 72 | Aver. Ex. 55 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |

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| FBI Report, <i>PENTTBOMB</i> , September 26, 2001 | Exhibit 73 | Aver. Ex. 57 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Anwar Nasser Aulaqi, aka N.A. Aulaqi, Anwar N. Alaulaqi; IT-UBL</i> , October 23, 2001 | Exhibit 74 | Aver. Ex. 58 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI 302 Statement concerning Anwar Nasser Aulaqi, September 27, 2001 | Exhibit 75 | Aver. Ex. 59 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, <i>Anwar Aulaqi; IT-UBL</i> , May 9, 2002 | Exhibit 76 | Aver. Ex. 60 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Memorandum, <i>Abu Atiq Anwar Aulaqi</i> , December 1, 2006 | Exhibit 77 | Aver. Ex. 61 (ECF No. 2930) | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI documents released in response to a Freedom of Information Act (“FOIA”) request concerning Anwar Nasser Aulaqi and Umar Farouk Abdul Mutallab | Exhibit 78 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #1) | Exhibit 79 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #2) | Exhibit 80 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| FBI Report, Shareef Abdulmuttaleb El-Arbi, (USPER), IT-UBL/AL-QAEDA, February 4, 2003 (Version #3) | Exhibit 81 | | | Hearsay, Preliminary investigative material |

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| Excerpt from FBI Report concerning Anwar Nasser Aulaqi, September 15, 2001 | Exhibit 82 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |
| Excerpt from FBI Report concerning Anwar Aulaqi, September 21, 2001 | Exhibit 83 | | | Hearsay, FRE 602, FRE 901, Preliminary investigative material |